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EXAMINER

HAMILTON, MATTHEW L

ART UNIT	PAPER NUMBER
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3622

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09/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/980,017

**Applicant(s)**

PARK, WON-SEOP

**Examiner**

Matthew L. Hamilton

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 May 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/30/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in reply to the preliminary amendment filed on 10 May 2002.
2. Claims 1-19 are currently pending and have been examined.
3. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### ***Information Disclosure Statement***

4. The Information Disclosure Statement filed on 30 November 2001 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

### ***Double Patenting***

5. Applicant is advised that should claim 7 be found allowable, claim 11 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Regarding claims 1, 4-13 the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Hidary US Patent 5,852,775.

**Claim 1:**

As per claim 1, Hidary discloses a communication terminal comprises:

*(a) a call-processing unit for processing a user's voice call transmitted via a subscriber's line or a wireless channel from a private branch exchange or a base station (column 1, lines 44-50 column 2, lines 15-24);*

*(b) an information signal process unit for processing the signal and information of music, voice, or images for advertisement, transmitted via a subscriber's line or a wireless channel from the private branch exchange or the base station (column 1, lines 53-65);*

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c) *a switching circuit for converting between transmitting mode and a memory mode according to the user's selection* (pressing a keypad on the terminal-column 1, lines 63 to column 2, lines 1-3 and column 3, lines 62 to column 4, lines 1-3 and column 4, lines 30-32);

(d) *a memory unit for pre-storing the information such as music, voice, or images for advertisement in the built-in memory* (column 1, lines 53-56 column 2, lines 28-44 and column 3, lines 39-41);

(e) *an output unit, comprising a speaker, a microphone and a display device, the output unit being arranged for outputting the voice of said call-processing unit, and the information signal of said information signal processing unit, and said memory unit* (column 1, lines 57-59 column 1 line 66 to column 2, line 2). A cellular phone comprises a speaker in order to hear the person at the other end during a telephone call. A microphone is necessary in order to transmit words and sounds to the other person during a phone call. A display unit is necessary to show or display the number being dialed or to show messages produced by the phone such as a new voicemail. All these features are standard on a communication terminal such as a cellular phone.

**Claim 14:**

As per claim 14, Hidary discloses a method claim comprising the steps:

- *pre-storing music, voice, or image information for advertisement as a call signal in a computer installed at a private branch exchange or a base station* (column 1, lines 50-56 and column 2, lines 28-33);
- *detecting whether a dial signal has been inputted to the exchanger of said private branch exchange or base station from an originating terminal* (column 2, lines 15-22);
- *selecting, according to said dial signal, as to whether the dial signal is associated with a call within the private branch exchange or the same base station, or a call from the other exchange network or base station* (column 2, lines 15-22);

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- *transmitting a ring-back tone to an answering communication terminal while simultaneously transmitting information pre-stored in the computer, to the originating communication terminal by a call signal (column 1, lines 57-65);*
- *reproducing the information as an answer tone via speaker of said answering communication terminal (column 1, lines 57-65);*
- *and repetitively executing or terminating the step according to the answer signal transmitted to the private branch exchange or base station from the answering communication terminal (column 2, lines 53-59).*

**Claims 2 and 15:**

As per claims 2 and 15, Hidary teaches the communication terminal and method of claims 1 and 14 as described above. Hidary further teaches *wherein said communication terminal is a wired or wireless communication terminal (column 1, line 66 to column 2, line 2).*

**Claims 3 and 16:**

As per claims 3 and 16, Hidary teaches the communication terminal and method of claims 1 and 14 as described above. Hidary further teaches *wherein said communication terminal is a wired or wireless image communication terminal (column 1, line 66 to column 2, line 2).* Image: a description of something in speech or writing.

**Claim 4:**

As per claim 4, Hidary teaches the communication terminal of claim 2 as described above. Hidary further teaches *wherein said output unit is arranged for reproducing, via said speaker or microphone, the signals or the information such as music, voice or images for advertisement, inputted via said information signal processing unit, according to the mode of said switching circuit (In at least Figure 1, Item 16 and 16a shows a communication terminal with a speaker such as a cell phone speaker and column 1, lines 57-65).*

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**Claim 5:**

As per claim 5, Hidary teaches the communication terminal of claim 2 as described above. Hidary further teaches *wherein said output unit is arranged for displaying, via said display device, the signals or the information such as music, voice or images for advertisement, inputted via said information signal processing unit, according to the mode of said switching circuit.* (In at least Figure 1, Item 16 and 16a shows a communication terminal with a display device such as a cell phone screen).

**Claim 6:**

As per claims 6, Hidary teaches the communication terminal of claims 2 as described above. Hidary further teaches wherein said output unit is arranged for reproducing, via said speaker or microphone, the signals or the information such as music, voice or images for advertisement, pre-stored in a said memory part, according to the mode of said switching circuit (In at least Figure 1, Item 16 and 16a shows a communication terminal with a speaker such as a cell phone speaker and column 3, lines 39-41).

**Claims 7, 9 and 11:**

As per claims 7, 9 and 11, Hidary teaches the communication terminal of claims 2 and 3 as described above. Hidary further teaches *wherein said output unit is arranged for displaying, via said display device, the signals or the information such as music, voice or images for advertisement, pre-stored in a said memory unit, according to the mode of said switching circuit* (In at least Figure 1, Item 16 and 16a shows a communication terminal with a display device such as a cell phone screen and column 3, lines 39-41).

**Claim 8:**

As per claim 8, Hidary teaches the communication terminal of claim 3 as described above. Hidary further teaches *wherein said output unit is arranged for reproducing, via said speaker or microphone, the signals or the information such as music, voice or images for advertisement, pre-stored*

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*in said memory unit, according to the mode of said switching unit (In at least Figure 1, Item 16 and 16a shows a communication terminal with a speaker such as a cell phone speaker and column 3, lines 39-41).*

**Claim 10:**

As per claim 10, Hidary teaches the communication terminal of claim 9 as described above. Hidary further teaches *wherein said output unit is arranged for reproducing, via said speaker or microphone, the signals or the information such as music, voice or images for advertisement, pre-stored in a said memory part, according to the mode of said switching circuit (In at least Figure 1, Item 16 and 16a shows a communication terminal with a speaker such as a cell phone speaker and column 3, lines 39-41).*

**Claim 12:**

As per claim 12, Hidary teaches the communication terminal of claim 2 as described above. Hidary further teaches *wherein said output part is arranged for reproducing, via said speaker or microphone, the signals or the information such as music, voice or images for advertisement, inputted via said information signal processing unit, according to the mode of said switching circuit, and displays the information of images for advertisement on said display device (In at least Figure 1, Item 16 and 16a shows a communication terminal with a display device and a speaker such as a cell phone screen and cell phone speaker).*

**Claim 13:**

As per claim 13, Hidary teaches the communication terminal of claim 2 as described above. Hidary further teaches *wherein output part is arranged for reproducing, via said speaker or microphone, the information such as music, voice, or images or advertisement, pre-stored in said memory unit, according to the mode of said switching circuit, and displays the information of images for advertisement*



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*on said display device* (In at least Figure 1, Item 16 and 16a shows a communication terminal with a speaker in order to produce sounds and column 3, lines 39-41).

**Claim 17:**

As per claim 17, Hidary teaches the method of claim 15 as described above. Hidary further teaches *wherein said step comprises reproducing the information as an answer tone signal via said speaker on the answering communication terminal* (column 1, lines 57-65).

**Claim 18:**

As per claim 18, Hidary teaches the method of claim 16 as described above. Hidary further teaches *wherein said step comprises displaying the information via said display device on the answering communication terminal* (In at least Figure 1, Item 16 and 16a shows a communication terminal with a display device to show or display messages).

**Claim 19:**

As per claim 19, Hidary teaches the method claim of 15 as described above. Hidary further teaches *wherein said step comprises reproducing the information as an answer tone via speaker on the answering communication terminal, while advertisement information via said display device on the answering communication terminal* (In at least Figure 1, Item 16 and 16a shows a communication terminal with a display device to show or display messages and column 1, lines 57-65).

**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - Nakazawa et al., US Patent 5,739,759 teaches a paging apparatus for selecting various calling processes including sound, vibration, melody, screen display to a call a carrier of the paging apparatus.

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- Rouhollahzadeh et al., US Patent 6,208,866 B1 teaches a telecommunications system and method for marketing advertisements to mobile stations within a cellular network, and specifically providing location based information.
- Go, US Patent Publication 2002/0022476 A1 teaches a cellular phone display screen to be used as a medium for a digital advertising system.
- Marino et al, US Patent 4,850,007 teaches a telephone toll services relating to directory assistance or long distance calling.

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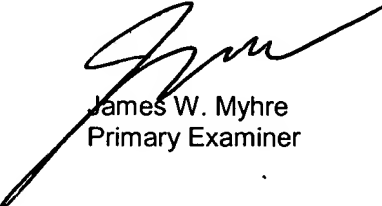
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Hamilton whose telephone number is (571) 270-1837. The examiner can normally be reached on Monday-Friday 7:30a.m-5p.m EST alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew Hamilton  
Patent Examiner  
September 10, 2007

*MAH*

  
James W. Myhre  
Primary Examiner